

Katherine F. Parks, Esq. - State Bar No. 6227
Thorndal Armstrong Delk Balkenbush & Eisinger
6590 S. McCarran Blvd., Suite B
Reno, Nevada 89509
(775) 786-2882
kfp@thorndal.com
Attorneys for Defendants
COUNTY OF EUREKA AND THEODORE BEUTEL

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JACK AARON WHELCHER,

Plaintiff,

vs.

COUNTY OF EUREKA, a Political Subdivision
of the State of Nevada, and THEODORE
BEUTEL,

Defendants.

CASE NO. _____

**PETITION AND NOTICE OF
REMOVAL**

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA AND TO
PLAINTIFF, JACK AARON WHELCHER, AND HIS COUNSEL OF RECORD, DANIEL MARKS,
ESQ. AND ADAM LEVINE, ESQ., LAW OFFICE OF DANIEL MARKS**

PLEASE TAKE NOTICE that on February 25, 2020, Defendants EUREKA COUNTY
and THEODORE BEUTEL, with the filing of this Notice, removed the above-referenced action
from the Seventh Judicial District Court of the State of Nevada, in and for the County of Eureka,
to the District Court of the United States, District of Nevada. The removal is based upon 28
U.S.C. §1331. The United States District Court has original jurisdiction over this case based
upon Plaintiff's claim premised upon 42 U.S.C §1983 and the Fourteenth Amendment of the
United States Constitution.

1 **I. INTRODUCTION**

2 Plaintiff has sued in Nevada state court presenting causes of action for violation of his
3 constitutional rights. Defendants thus remove this case based on the existence of federal
4 question jurisdiction pursuant to 28 U.S.C. §1331.

5 **II. PROCESS, PLEADINGS AND ORDERS RECEIVED BY HOUSTON**
6 **SPECIALTY INSURANCE COMPANY**

7 Defendants were served with the summons and complaint in this matter on February 4,
8 2020, a copy of which is attached hereto as Exhibit “1.”

9 **III. THE COURT HAS JURISDICTION UNDER 28 U.S.C. §1331**

10 This Court has original jurisdiction over this case pursuant to 28 U.S.C. §1331, as
11 Plaintiff’s claims for relief arise out of the constitution and laws of the United States.

12 **IV. REMOVAL IS TIMELY.**

13 Plaintiff filed his Complaint in the Seventh Judicial District Court on January 27, 2020.
14 Defendants received a copy of the summons and complaint on January 27, 2020, and were
15 served with the summons and complaint on February 4, 2020. This Notice is being filed on
16 February 25, 2020, a date less than thirty (30) calendar days after the Defendants received notice
17 of the Complaint, and, accordingly, the removal is timely.

18 **V. DEFENDANTS HAVE MET ALL OTHER REQUIREMENTS FOR REMOVAL.**

19 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331. Removal is
20 proper pursuant to 28 U.S.C. §1441.

21 2. Defendants attach to this notice copies of all papers and pleadings they have received
22 in this matter.

23 3. Defendants will immediately send for filing a copy of this Notice to the Seventh
24 Judicial District Court in and for the County of Eureka.

25 ///

1 4. Defendants have served a copy of this Notice upon counsel for Plaintiff.

2 DATED this 25st day of February, 2020.

3 THORNDAL ARMSTRONG
4 DELK BALKENBUSH & EISINGER

5 By: / s / **Katherine F. Parks**

6 Katherine F. Parks, Esq.
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10 (775) 786-2882
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12 Attorneys for Defendants
13 Eureka County and Theodore Beutel
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER, and that on this date I caused the foregoing **PETITION AND NOTICE OF REMOVAL** to be served on all parties to this action by:

☒ placing an original or true copy thereof in a sealed, postage prepaid, envelope in the

United States mail at Reno, Nevada.

☒ United States District Court, District of Nevada CM/ ECF (Electronic Case Filing)

☐ Electronic mail

☐ personal delivery

☐ facsimile (fax)

☐ Federal Express/UPS or other overnight delivery

fully addressed as follows:

**Daniel Marks, Esq.
Adam Levine, Esq.
Law Offices of Daniel Marks
610 S. Ninth Street
Las Vegas, Nevada 89101
*Attorneys for Plaintiff***

DATED this 25th day of February, 2020.

/ s / Sam Baker

An employee of THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	NO. OF PAGES
1	Complaint	10